| UTILITY PATENT APPLICATION TRANSMITTAL | Docket No. 14113.3.2.2 |
|---|---|

# UTILITY PATENT APPLICATION TRANSMITTAL
## (Large Entity)
*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

**Docket No.**
14113.3.2.2

**Total Pages in this Submission**
6

### TO THE ASSISTANT COMMISSIONER FOR PATENTS
#### Box Patent Application
#### Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

MIRRORING NETWORK DATA TO ESTABLISH VIRTUAL STORAGE AREA NETWORK

and invented by:

Michael R. Ohran

**If a CONTINUATION APPLICATION,** *check appropriate box and supply the requisite information:*

☐ **Continuation**   ☐ **Divisional**   ☒ **Continuation-in-part (CIP)**   of prior application No.:   09/271,585

Which is a:

☒ **Continuation**   ☐ **Divisional**   ☐ **Continuation-in-part (CIP)**   of prior application No.:   08/848,139

Which is a:

☐ **Continuation**   ☐ **Divisional**   ☐ **Continuation-in-part (CIP)**   of prior application No.:   _____

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below

2. ☒ Specification having _____ 36 _____ pages and including the following:

    a. ☒ Descriptive Title of the Invention

    b. ☒ Cross References to Related Applications *(if applicable)*

    c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*

    d. ☐ Reference to Microfiche Appendix *(if applicable)*

    e. ☒ Background of the Invention

    f. ☒ Brief Summary of the Invention

    g. ☒ Brief Description of the Drawings *(if drawings filed)*

    h. ☒ Detailed Description

    i. ☒ Claim(s) as Classified Below

    j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*

    a. ☒   Formal         Number of Sheets       8

    b. ☐   Informal       Number of Sheets

4. ☒ Oath or Declaration

    a. ☒   Newly executed *(original or copy)*     ☐   Unexecuted

    b. ☐   Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*

    c. ☒   With Power of Attorney    ☐   Without Power of Attorney

    d. ☐   *DELETION OF INVENTOR(S)*
        Signed statement attached deleting inventor(s) named in the prior application,
        see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
    The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche *(Appendix)*

7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*

    a. ☐   Paper Copy

    b. ☐   Computer Readable Copy *(identical to computer copy)*

    c. ☐   Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & document(s))* ✓

9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*

10. ☐ English Translation Document *(if applicable)*

11. ☐ Information Disclosure Statement/PTO-1449    ☐   Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Acknowledgment postcard

14. ☒ Certificate of Mailing

    ☐   First Class    ☒   Express Mail *(Specify Label No.):*   EL 733 633 177 US

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## (Large Entity)

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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## Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☒ Additional Enclosures *(please identify below):*

> Form PTO-2038 in the amount of $956.00
>
> Attached Related Applications Information

## Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

### Warning

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

P01ULRG/REV05

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### Fee Calculation and Transmittal

### CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | | Fee |
|---|---|---|---|---|---|---|
| Total Claims | 27 | - 20 = | 7 | x | $18.00 | $126.00 |
| Indep. Claims | 4 | - 3 = | 1 | x | $80.00 | $80.00 |
| Multiple Dependent Claims (check if applicable)  ☐ | | | | | | $0.00 |
| | | | | | **BASIC FEE** | $710.00 |
| OTHER FEE *(specify purpose)* | | | Assignment Recordation Fee | | | $40.00 |
| | | | | | **TOTAL FILING FEE** | $956.00 |

☒ PTO-2038 Credit Card
  Payment Form     **$956.00**     to cover the filing fee is enclosed.

☒  The Commissioner is hereby authorized to charge and credit Deposit Account No.     23-3178
   as described below.  A duplicate copy of this sheet is enclosed.

  ☐  Charge the amount of                    as filing fee.

  ☒  Credit any overpayment.

  ☒  Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

  ☐  Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance,

     pursuant to 37 C.F.R. 1.311(b).

*R. Burns Israelsen*
                                            *Signature*

                                            **R. Burns Israelsen**
Dated:   June **26**, 2001                **Attorney for Applicant**
                                            **Registration No.: 42,685**

**022913**

CC:

PATENT TRADEMARK OFFICE

P01ULRG/REV05

<u>Attached Related Applications</u>

***This application is a continuation-in-part of U.S. Patent Application Serial No. 09/271,585, entitled "OPERATION OF STANDBY SERVER TO PRESERVE DATA STORED BY A NETWORK SERVER," filed Match 18, 1999, which is a continuation of U.S. Patent Application Serial No. 08/848,139, filed April 28, 1997, entitled "METHOD FOR RAPID RECOVERY FROM A NETWORK FILE SERVER FAILURE INCLUDING METHOD FOR OPERATING CO-STANDBY SERVERS," now issued as U. S. Patent No. 5,978,565. The foregoing patent and patent application are incorporated herein by reference.***

| CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) | Docket No. |
|---|---|
| Applicant(s): Michael R. Ohran | 14113.3.2.2 |

| Serial No. Not Yet Assigned | Filing Date June ___, 2001 | Examiner Not Yet Assigned | Group Art Unit Not Yet Assigned |
|---|---|---|---|

Invention: **MIRRORING NETWORK DATA TO ESTABLISH VIRTUAL STORAGE AREA NETWORK**

I hereby certify that this **correspondence listed below** _____
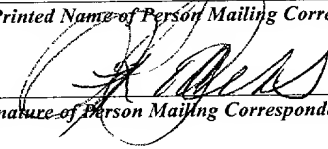*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

June ___, 2001
*(Date)*

**Lisa L. Rogers**
*(Typed or Printed Name of Person Mailing Correspondence)*

*(Signature of Person Mailing Correspondence)*

**EL 733 633 177 US**
*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**

Transmitted:

| | |
|---|---|
| Patent Application | 37 pgs. |
| Formal Drawings | 8 sheets |
| Transmittal Letter in Triplicate w/Form PTO-2038 in the amount of $956. & attached sheet | 5 pgs. |
| Assignment w/ Cover Sheet | 3 pgs. |
| Declaration, Pwr of Atty, & Petition | 2 pgs. |
| Certificate of Mailing | 1 pg. |
| Express Mail Label EL 733 633 177 US | |
| Postcard | |

P06A/REV02